

PROTECTIVE ORDER PACKET

COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

P.O. Box 368
Anadarko, Oklahoma 73005

Phone: 405/247-8511 or 405/247-8508
Fax: 405/247-7240

The petition form in this packet is to be used when filing for an Protective Order. Please read the protective order information provided in this packet carefully before completing the form.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense or contact a Tribal Domestic Violence Program. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare petitions. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

PACKET CONTAINS:

Protective Order Information

Petition for Protective Order

Apache Tribe of Oklahoma
Violence Free Living
Program Brochure



PLEASE BE SURE YOU CAREFULLY READ ALL THE STEPS IN THIS PACKET BEFORE STARTING YOUR PAPERWORK!

PROTECTIVE ORDER

You have the right to be safe

This is to inform you about what you can do if you are being abused, stalked, or harassed by someone in your life. As a victim, you have the right to ask a judge for a Protective Order. A Protective Order from the court orders the person who has been harassing, stalking, or abusing you to stop doing so or be punished by the court.

A Protective Order is only a court paper. YOU must take other steps to plan for your safety and the safety of your children.

What is a Protective Order (P.O.)?

A Protective Order is a civil court order that is designed to stop violent and harassing behavior and to protect you from the abuser. It offers civil legal protection from domestic violence to both male and female victims. It can set limits on the abusers behavior such as:

- ❖ Order the abuser to stop abusing you and your children;
- ❖ Tell the abuser to leave and stay away from your home, work place, and family;
- ❖ Direct the abuser to have no contact with you, including no phone calls, letters, or messages through other people;
- ❖ Order the abuser to stay away from the children, their babysitter, day care, or school.
- ❖ A Protective Order is not a punishment for the abuser. It is intended to prevent future violence or harassment. However, if the abuser violates the order, the abuser can be arrested and punished.

Am I eligible to file for a Protective Order?

You can seek legal protection from acts of domestic abuse committed by a "family or household member" against you or your minor child. This means you can seek protection from:

- ❖ Spouse
- ❖ Former spouse
- ❖ Person related by blood
- ❖ Person related by existing marriage
- ❖ Person related by prior marriage
- ❖ Person who resides with you
- ❖ Person who resided with abuser
- ❖ Person who has child(ren) with abuser
- ❖ Person in dating/intimate relationship
- ❖ Person in previous dating/intimate relationship

"Domestic abuse" is when a family or household member, or someone you have had a dating relationship with:

- ❖ Physically harms you, or
- ❖ Threatens to physically harm you.

What types of Protective Orders are available?

There are two types of Protective Orders available for you:

- ❖ Emergency Order of Protection (Ex Parte Emergency Order of Protection) - The Petition for Protective Order must clearly show that an act of domestic violence has occurred.
- ❖ Regular Order of Protection (Non-emergency)

How much does it cost to get a Protective Order? Do I need a lawyer?

There are no fees for filing a Protective Order. However, if the judge finds that the order was filed for frivolous reasons or if the petitioner (person filing) fails to appear at the hearings, the judge may decide to order the petitioner to pay court costs.

You do not need an attorney to file for a Protective Order. However, if you wish, you can have an attorney represent you. Tribal Domestic Violence Programs may also be able to help you. They provide crisis and emergency services for victims of sexual assault, stalking and domestic violence. It is recommended that you contact the Tribal Domestic Violence Program. Services offered:

- ❖ Emergency Shelter
- ❖ Transportation
- ❖ Referral Service
- ❖ Counseling for Domestic Violence victims
- ❖ Court advocacy
- ❖ Child advocacy
- ❖ Protective Order assistance
- ❖ Legal assistance

Apache Tribe of Oklahoma
Violence-Free Living Programs
Phone: 405/247-9495

Bureau of Indian Affairs
Office of Justice Services
Jennifer Cole-Robinson, Victims Specialist
Phone: 918/781-4712

How do I get a Protective Order?

Step 1. Read and review this information on a Petition for Protective Order. If you have any questions regarding a Protective Order, refer to the court clerk.

Step 2. Have information about you and about your abuser on hand.

- ❖ Tribal Enrollment Card or CDIB for you or the abuser;
- ❖ Abuser's complete address;
- ❖ Specific facts describing the act of domestic violence (what happened in detail – who, what, when (date/time), where, why, etc.)

Step 3. Fill out the Petition for Protective Order (included in this packet).

Carefully fill out the petition. On the petition, you will be the "petitioner" and your abuser will be the "defendant". When describing about the most recent incident of violence, use descriptive language (slapping, hitting, grabbing, choking, threatening, etc.) that fits the situation. Be specific. Include details and dates. But remember to be honest.

If you need assistance, Tribal Domestic Violence Programs may be able to assist you in filling out the petition.

Step 4. The court clerk will review your petition.

After you finish filling out your petition, take it to the court clerk. The court clerk will review your petition to ensure that all the necessary information is provided.

Step 5. Appear for a temporary hearing.

When you appear before the judge, you will be required to answer questions under oath. The judge will decide whether or not to issue the emergency order, and will set a date for a show

cause hearing. You will be given a temporary protection order that state the date and time of your hearing.

Step 6. Service of process.

A copy of your petition and the temporary protection order must be served on the defendant. Do not try and serve the defendant in person with the papers yourself. The court will be responsible for serving the defendant.

If the judge is ordering the defendant to leave your residence, contact BIA or Tribal Law Enforcement Services to ask how you should proceed with doing so.

Step 7: Show Cause Hearing.

You must appear at the hearing. If you do not appear, your temporary protection order will expire and you will no longer be protected. If you do not appear at the hearing, it may be harder for you to be granted an order in the future and the court may assess court costs and service fees to you. If the defendant does not show up for the hearing the judge may still grant you a permanent protection order, or the judge may order a new hearing date.

At the Show Cause Hearing, you will show why you need the Protective Order. The best evidence is your honesty, verbal testimony. But other evidence can include:

- ❖ Police report(s);
- ❖ Pictures of your injuries (include date, if possible);
- ❖ Pictures of your household in disarray after an episode of domestic violence;
- ❖ Copies of the abuser's criminal records;
- ❖ Anything else to help you convince the judge you have suffered acts of domestic violence and need certain relief and protection.

However, the judge will listen to your story even if you have no evidence. Tell your story in your own words, but leave out details that have nothing to do with the physical violence or threats of violence. Also, rather than saying "He/She hit me," tell the judge how you were hit, where on your body you were hit, and how many times. Be specific.

Remember:

- ❖ Be on time;
- ❖ Dress clean and neat;
- ❖ Speak directly to the judge;
- ❖ Always address the judge as "Your Honor" and always stand when speaking;
- ❖ If you don't understand a question that the judge asks you, just say so.
- ❖ If you don't know the answer to a question, just say so. Never make up an answer.
- ❖ Be honest.

How do I get a copy of the Protective Order?

After court, the court clerk will prepare the Protective Order and you will be given a copy. Review it carefully before you leave. If you have any questions about it, ask the court clerk. If something is wrong (misspelled names, etc.) or missing information, ask the court clerk to correct the order before you leave. Keep a copy of the order with you at all times.

ANADARKO, OKLAHOMA

VS.

PETITION FOR PROTECTIVE ORDER

COMES NOW, _____, Plaintiff herein, pro se, and for this cause of action, the Plaintiff alleges and states the following:

That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.1202;

1. (Check one and complete)

- ☐ That the Plaintiff is an enrolled member of the _____ Tribe of Oklahoma and the Plaintiff's address is _____; (include city, state and zip code) and has lived at this address for _____; (state length of time in months or years at this address)
- ☐ That the Plaintiff is an non-Indian and the Plaintiff's address is _____; (include city, state and zip code) and has lived at this address for _____; (state length of time in months or years at this address)

2. (Check one and complete)

- ☐ That the Defendant is an enrolled member of the _____ Tribe of Oklahoma and the Defendant's address is _____; (include city, state and zip code) and has lived at this address for _____; (state length of time in months or years at this address)
- ☐ That the Defendant is a non-Indian and the Defendant's address is _____; (include city, state and zip code) and has lived at this address for _____; (state length of time in months or years at this address)

3. (Check one or more)

- ☐ The Defendant has caused or attempted to cause physical harm, bodily injury, or sexual assault to Plaintiff;
- ☐ The Defendant has threatened Plaintiff;
- ☐ The Defendant has harassed Plaintiff;
- ☐ The Defendant has stalked Plaintiff;

- 5.

[illegible]

6. Are there any pending actions or judgment/orders in this Court or any other court between the Plaintiff and Defendant? ☐ Yes ☐ No If "yes", please list below:

Name of Court (CFR/Tribal/State – County)	Case Name	Case No.	Case Type

- ☐ Spouse
☐ Person Related by Blood
☐ Person Related by Prior Marriage
☐ Person Who Resided with Defendant
☐ Person in Dating/Intimate Relationship

- ☐ The Plaintiff DOES NOT request an Emergency Ex Parte Order, but request the relief checked below, after notice and hearing, in a Order of Protection;
- ☐ The Plaintiff is in immediate and present danger of abuse from the Defendant and an Emergency Ex Parte Order is necessary to protect the victim from serious harm. The victim requests the following relief in the Emergency Ex Parte Order:

- ☐ Order the Defendant to have no contact with Plaintiff, either in person or by telephone, at any time or place;
- ☐ Order Defendant to not abuse, threaten, injure, assault, molest, stalk, harass, or otherwise interfere with Plaintiff;
- ☐ Order Defendant to cease stalking the Plaintiff;

- ☐ Order Defendant to cease harassing of the Plaintiff;
- ☐ Order Defendant to leave or remain away from the residence located at _____;
- ☐ Other relief: _____;

9. ☐ Plaintiff requests that the Defendant be ordered to pay court costs and service fee in the sum of \$85.00. NOTE: No filing fee shall be charged to the Plaintiff at the time the petition is filed. The Court may assess court costs and services fees to either part at the hearing.

WHEREFORE, the Plaintiff prays that the Court grant and issue the Plaintiff an Order against Defendant as requested in this petition and a hearing be set as soon as the Court deems necessary.

Signature

Printed Name

Street Address (include mailing address, if different)

City, State and Zip Code

Phone No.

List Address(es) where Defendant can be served:

VERIFICATION

I, _____, being duly sworn on oath states: I have read the above and foregoing document, understand the meaning thereof, and declare **UNDER PENALTY OF PERJURY**, that the facts and statements contained herein are believed to the best of my knowledge to be the truth and nothing but the truth. *I understand that I am required by Court Order to appear at the Hearing on my Petition.*

Plaintiff

Subscribed and sworn to before me this _____ day of _____, 20_____.

Court Clerk/Deputy

Services offered:

EMERGENCY SHELTER

TRANSPORTATION

REFERRAL SERVICE

COUNSELING FOR DV VICTIMS

COURT ADVOCACY

CHILD ADVOCACY

PROTECTIVE ORDER
ASSISTANCE

LEGAL ASSISTANCE

may be provided for domestic violence,
sexual assault and/or stalking victims.

Assistance & services
are available
24 hours a day

For more information please contact:

The Apache Tribe
of
Oklahoma

Violence-Free Living
Programs

PO Box 1220

Anadarko, OK 73005

8:00 to 4:30

405-247-9495

Or call:

BIA Law Enforcement: 405-247-6712

Grady Co. Sheriff: 405-224-0984

Caddo Co. Sheriff: 405-247-6666

Remember:

It is NOT your fault.

NO ONE deserves to be abused.

"This project is supported by Grant NO. 2003-WR-BX-0033 awarded by the Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Violence-Free Living

Apache Tribe of
Oklahoma



Tel: 405-247-9495

Violence-Free Living Programs

LEGAL ASSISTANCE

The Legal Assistance Program provides domestic violence victims with access to Professional Attorneys and Legal Interns. Legal Assistance Attorneys and Interns may assist victims with protective orders, child custody, divorce, disability issues, landlord / tenant disputes, legal advice, and other civil issues that stem from a domestic violence situation. These services are limited to only domestic violence victims and cannot be used by perpetrators for legal representation or for criminal charges.

ADVOCACY

The Violence against Indian Women Program provides emotional support to individuals who have been abused by their intimate partner. The Family Violence Program provides emotional support to individuals who have been abused by other family members. Both programs may provide individuals with the best possible resources suited to their present situation. Within these programs we may offer transportation to a shelter, assistance in filing a protective order, referrals to counseling or other related services.

COUNSELING & CHILD ADVOCACY

The Rural Child Victimization Grant provides advocacy services to victims of domestic violence, dating violence and child victimization. This project helps the victims in need with two important services: one, the project provides a child advocate to gather support services for abused children and their families; and two, the project provides a domestic violence counselor to help those families who have been traumatized in abusive homes. The child advocate and counselor work with the other projects to provide an array of services.

GRANTS TO ENCOURAGE ARREST

The Grants to Encourage Arrest Project was implemented to provide a domestic violence unit within Caddo and Grady Counties. This unit will provide a Prosecutor who will vigorously prosecute domestic violence crimes, including violation of protective orders; an Investigator dedicated to investigate domestic violence crimes; a Compliance Monitor who will track perpetrators to ensure victim safety; and Court Advocate who may accompany domestic violence victims to criminal court dockets and help them throughout the court process.